

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

§  
ROBERT “BOB” ROSS AND § Civil Action No. 4:22-cv-343-Y  
EUGENIO VARGAS § Consolidated with  
Plaintiffs/Counterclaim Defendants, § Civil Action No. 4:22-cv-430-Y  
§  
v. § Judge Terry R. Means  
§  
ASSOCIATION OF PROFESSIONAL §  
FLIGHT ATTENDANTS, *et al.*, §  
§  
Defendants/Counterclaim  
Plaintiffs.

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**APPENDIX FOR MOTION AND BRIEF IN SUPPORT FOR MANDATORY WITHDRAWAL OF COUNSEL  
AND EXTEND PLAINTIFFS’ DEADLINE TO FILE AMENDED RESPONSE**

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Plaintiffs Robert “Bob” Ross and Eugenio Vargas, pursuant to Local Rules 7.1(i) 7.2, 53.1(d) and § C of this Court’s Case Management Requirements, submits this appendix of supporting documents in support of “MOTION AND BRIEF IN SUPPORT FOR WITHDRAWAL OF COUNSEL AND EXTEND PLAINTIFFS’ DEADLINE TO FILE AMENDED RESPONSE.”

<u>Item</u>	<u>Description</u>	<u>Pgs.</u>
1	Declaration of Kerri Phillips....	1-3

Respectfully submitted,  
K.D. PHILLIPS LAW FIRM, PLLC

By: /s/ Kerri Phillips  
Kerri Phillips

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**ATTORNEY FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I certify that the true and correct copy of this document was sent to all counsel of record, hereunder listed via ECF Filing. A copy of this motion was also sent to the Plaintiffs to his or her last known address via First Class and Certified U.S. mail on September 17, 2024.

/s/ Kerri Phillips  
Kerri Phillips, Esq.

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FT. WORTH DIVISION

ROBERT "BOB" ROSS AND	§	
EUGENIO VARGAS	§	
Plaintiff/Counterclaim Defendant	§	
V.	§	Case No. 4:22-CV-00343-Y
	§	Consolidated with
	§	Case No. 4:22-CV-00430-Y
	§	
	§	
ASSOCIATION OF	§	Judge: Terry R. Means
PROFESSIONAL FLIGHT	§	
ATTENDANTS, MCGAUGHEY,	§	
REBER AND ASSOCIATES,	§	
INC., JULIE HEDRICK, ERIK	§	
HARRIS	§	
Defendants/Counterclaim Plaintiff.	§	
	§	

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DECLARATION OF KERRI PHILLIPS

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STATE OF TEXAS      §  
                          §

COUNTY OF DENTON    §

Before me, the undersigned notary, on this day, personally appeared KERRI PHILLIPS, a person whose identity is known to me. After I administered an oath to her, upon her other, she said:

1. "I, Kerri Phillips, declare that I am over 18 years of age and reside in the State of Texas. I have never been convicted of any felony or other crime involving moral turpitude. I am fully competent to make this affidavit.

2. I have personal knowledge of the facts set forth in this affidavit and the facts are true and correct.

3. I am counsel of record for Plaintiff, Robert "Bob" Ross and Plaintiff, Eugenio Vargas in the above-entitled action.

4. In August of 2024, through multiple conversations with Mr. Ross, I learned of facts and arguments that were previously not disclosed to me that create a conflict with the continued interest in Plaintiffs' legal representation. These arguments raised concerns regarding the advocacy of legal representation for both Plaintiffs before this court.

5. Upon learning of the facts that gave rise to a conflict of interest, I contacted the State Bar of Texas Ethics Counsel to seek out my ethical duties regarding a conflict of interest. After speaking to Ethics Counsel with the State Bar of Texas, I was advised that the Texas Rules of Professional Conduct Rule 1.15(a)(1) requires mandatory withdraw as counsel of record due to possible violations of a conflict of interest, therefore I could no longer continue representation of either party to the case. I was further advised not to disclose any facts that would injure or harm the clients. Additionally, Ethics Counsel stated that I am required to withdraw from the case immediately.

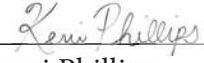
6. Upon advising clients that counsel's withdrawal is mandatory, communications with clients has deteriorated to a point that makes further representation an impossibility. Clients informed me that they oppose my withdrawal despite the fact that withdrawal as counsel is mandatory as required by Tex. R. Disc. Prof'l Cond. 1.15(a)(1).

7. I emailed a copy of the Motion, this Affidavit and the Proposed order to both Plaintiffs prior to filing the Motion. Attached hereto and marked as Exhibit A is a true and correct copy of an email I sent to Mr. Ross and Mr. Vargas.

I declare under penalty of perjury that the foregoing is true and correct.

FURTHER AFFIANT SAYETH NOT.

**EXECUTED** on this 16th of September 2024.

  
\_\_\_\_\_  
Kerri Phillips

**From:** [Kerri Phillips](#)  
**To:** [1ross@comcast.net](mailto:1ross@comcast.net); [Eugenio Vargas](#)  
**Subject:** Motion to Withdraw  
**Date:** Friday, September 13, 2024 7:40:00 PM  
**Attachments:** [image001.png](#)  
[Attorney Aff Mtn to Withdraw.pdf](#)  
[Ross-Vargas\\_Order Granting Withdrawal of Counsel.pdf](#)  
[Ross-Vargas Motion for Withdrawal of Counsel.pdf](#)

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Please see attached motion to withdraw, supporting affidavit and proposed order for withdrawal.



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Exhibit A